

REMARKS

The Office Action mailed March 4, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-36 were pending in the application. No claims have been amended, canceled or added by this response. Therefore, claims 1-36 are pending in the application and submitted for reconsideration.

Applicant respectfully requests favorable consideration of the present application in view of the reasons that follow.

Specification Objection

The specification was objected to because pages 30 and 31 were missing. Attached are copies of pages 30 and 31. Applicant notes that the published application, 2003/0126501, includes these pages, indicating they were received by the Patent Office. Applicant submits that no new matter has been added.

Double Patenting

Claims 1-36 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-36 of Application No. 10/797,605. Applicant respectfully traverses this rejection. Application No. 10/797,605 was abandoned on December 27, 2004. Thus, this rejection is now moot.

Claim 36 stands provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 45 of Provisional Application No. 60/580,722. Applicant respectfully traverses this rejection. Applicant notes that double patenting rejections can only be properly made over non-provisional applications. As such, Applicant respectfully requests withdrawal of this rejection. If the provisional application becomes a non-provisional application, the issue raised will be addressed.

Claims 17-24 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 22-24, 28-30 and 32-39 of Provisional Application No. 60/580,722. Applicant respectfully traverses this rejection. Applicant notes that double patenting rejections can only be properly made over non-provisional applications. As such,

Applicant respectfully requests withdrawal of these rejections. If the provisional application becomes a non-provisional application, the issue raised will be addressed.

Claims 31-35 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 40-44, respectively, of Provisional Application No. 60/580,722. Applicant respectfully traverses this rejection. Applicant notes that double patenting rejections can only be properly made over non-provisional applications. As such, Applicant respectfully requests withdrawal of these rejections. If the provisional application becomes a non-provisional application, the issue raised will be addressed.

Rejections under § 102

Claims 1-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Douik et al. (U.S. Patent No. 6,012,152). Applicant respectfully traverses this rejection for at least the reasons below.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 1 recites, *inter alia*, “a plurality of interface agents running on the plurality of hosts.” Independent claim 17 recites, *inter alia*, “monitoring a resource in the computer network using an interface agent.” Independent claim 31 recites, *inter alia*, “means for monitoring a resource in the computer network using an interface agent,” while independent claim 36 recites, *inter alia*, “computer readable program code configured to monitor a resource in the computer network using an interface agent.” The interface agents of the present invention are components that allow system events to be monitored, captured, translated into a standard format (a pre-negotiated case structure) for use by the system and transported to a reasoning agent that can reason about the event. (See specification paragraphs [0052]-[0061]). In contrast, the interface agents disclosed by Douik et al. are part of a GUI system for interaction between humans and the software and hardware. (col. 27, line 63 - col. 28, line 5). They do not perform the functions of the interface agents of the claimed invention. Furthermore, Douik et al. do not disclose any agent that performs the function of the interface agents of the claimed invention. Therefore, Douik et al. does not

anticipate the independent claims 1, 17, 31 and 36. Furthermore, because dependent claims include all the limitations of the claims upon which they depend, Douik et al. does not anticipate claims 2-16, 18-30, and 32-35.

Conclusion

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2228. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2228. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2228.

Respectfully submitted,

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